

REMARKS

This Response is in reply to the Office Action mailed May 14, 2008. Claims 21-29 and 31-40 were pending in the application with each of the claims being rejected.

The Applicants appreciate the Examiner's time during an Office interview on August 26, 2008. The Applicant's attorney also appreciates the Examiner's time during a telephone interview on September 22, 2008.

Claims 21, 23-27, 29, 34-35, and 39-40 were rejected under 35 USC 103(a) as being unpatentable over US Patent No. 5,110,202 (hereinafter Dornbusch) in view of US Patent No. 4,934,937 (hereinafter Judd). Dornbusch discloses a spacial positioning measuring system that includes one or more reflecting stations. Each reflecting station includes a rotating prism that rotates about an axis and creates a single primary laser beam. A reflective surface is positioned directly behind the prism to block the laser beam and create a reflected secondary laser beam. It appears that the reflective surface would block the laser beam and prevent it from traveling away from the prism beyond the reflective surface. It appears that neither the primary nor secondary beams would sweep through the blocked section. Thus, Dornbusch does not include a beam that is rotatable through 360°.

Judd is directed to a combat training system that includes a light beam mounted on a stand. The stand pivots to move the light beam within a limited sector that is less than an arc of 360°. Judd teaches that the light source can oscillate, but not fully rotate.

Therefore, neither Dornbusch nor Judd discloses a laser that creates a vertical boundary outward from the emitter around a full 360° rotation. Further, neither is directed to training firefighters to remain below a heat critical boundary.

Claim 21 requires that the emitter emits a signal in a single direction and is rotatable through 360°. Claim 21 has also been amended to now include the emitter emits a signal that forms a vertical boundary that replicates a heat critical vertical boundary that is experienced by firefighters in a fire situation. Neither Dornbusch nor Judd, alone or in combination, discloses a

360° rotation, or a signal replicating a heat critical vertical boundary that is experienced by firefighters in the fire situation. For at least these reasons, independent claim 21 and dependent claims 23-27 are not made obvious over this combination and are in condition for allowance.

Claim 29 includes the emitter is adapted to turn 360° to establish a vertical boundary around a 360° axis. Claim 29 has also been amended to now include that the emitter replicates a heat critical vertical boundary to train firefighters. Neither Dornbusch nor Judd, alone or in combination, discloses an emitter that is adapted to turn 360° to establish a vertical boundary, or one that replicates a heat critical vertical boundary to train firefighters. For at least these reasons, independent claim 29 and dependent claim 34 are not made obvious by this combination and are in condition for allowance.

Claim 35 includes rotating the emitter through 360° with the signal forming a substantially continuous signal at the vertical boundary. Claim 35 has also been amended to now include that the vertical boundary replicates a heat critical level, and a wearable sensor is configured to emit an alarm signal responsive to intrusion above the vertical boundary to indicate that the firefighter has moved to an unsafe position above the heat critical vertical boundary. Neither Dornbusch nor Judd discloses either of these aspects either alone or in combination. For at least these reasons, independent claim 35 and dependent claims 39-40 are not made obvious by this combination and are in condition for allowance.

Claims 22, 24, 28, 31-33 and 36-38 were rejected under 35 USC 103(a) as being unpatentable over Dornbusch in view of Judd and further in view of US Patent No. 5,903,345.

Claims 22, 24, and 28 depend from independent claim 21 and are not made obvious for at least the same reasons stated above for independent claim 21.

Claims 31-33 depend from independent claim 29 and are not made obvious for at least the same reasons stated above for independent claim 29.

Claims 36-38 depend from independent claim 35 and are not made obvious for at least the same reasons stated above for independent claim 35.

In view of the above amendments and remarks, the Applicant submits the present application is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.



David D. Kalish
Registration No.: 42,706

1400 Crescent Green, Suite 300
Cary, NC 27518
Telephone: (919) 854-1844
Facsimile: (919) 854-2084

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